

EXHIBIT B
MELLON DEPOSITION

1 A. Not that I'm -- not that were called that.

2 Q. Do you know what the scientific method is?

3 A. Roughly speaking, yes.

4 Q. As you understand what that is -- well,
5 let's do this: Tell me what -- in your own words
6 what do you think that is, when you use that phrase?

7 A. I don't hardly ever use it, so --

8 Q. Okay. How would you describe it, then?

9 A. Scientific method?

10 Q. Yes, sir.

11 A. I think the scientific method is a means of
12 establishing a hypothesis based on assumptions that
13 are then tested and proved true or false based on the
14 evidence collected in the testing.

15 Q. Did you use that method in analyzing the
16 images that are the subject of this suit?

17 A. Not strictly speaking, no.

18 Q. In getting ready for your deposition, can
19 you tell me what documents you reviewed?

20 A. Basically, the ones in that little pile that
21 you've got.

22 Q. And so it's clear, we've got on the table
23 the Complaint, your discovery responses, and your
24 Initial Disclosures without the attachments. Those
25 are some of the things you're referring to?

1 the 16 minutes of 2012 high definition video.

2 Q. Okay, I understand. So that was the 2012
3 video.

4 A. Yes.

5 Q. Okay. Okay. So you get the eight-minute
6 piece of 2010 footage. What did you do with it?

7 A. What do you mean, what did I do with it?

8 Q. Well, you --

9 A. I put it on my computer.

10 Q. And started watching it?

11 A. Yes.

12 Q. So what did you -- what did you see?

13 A. Well, I think I saw quite a few things. At
14 some point I had the ability to slow it down and look
15 at it essentially frame by frame and do it in slow
16 motion. And John Balderston at that same -- same
17 time frame had augmented his study of what he thought
18 he saw, and in the area of the -- where I said the
19 camera stopped and there were personal effects, I
20 think I was able to identify quite a few interesting
21 things.

22 Q. And what things do you remember identifying?

23 A. Well, specifically a set of binoculars; a
24 Pelorus instrument, which is used to measure drift;
25 an octant; there looked to be like a key lying on

1 like a knapsack affair; and there looked to be a
2 musical instrument, it looked like a violin, and
3 there looked to be an instrument that looked like a
4 banjo. And I did research and discovered that Amelia
5 Earhart had been a banjo player.

6 Q. And when you talk about the violin and the
7 banjo, do you mean in a case or outside of a case?

8 A. Outside of a case.

9 Q. And I think -- did you see or believe that
10 you saw the cases, as well? Am I remembering that
11 right?

12 A. At the time I think I may have said I saw
13 the cases, as well. I'm not so sure now, because I
14 have much better definition video now to look at.

15 Q. Anything else as far as personal effects
16 that -- that sticks in your mind?

17 A. I believe I saw a package of rolled paper,
18 it could have been toilet paper or paper towels. It
19 had a -- like a diameter with a center tube.

20 Q. Anything else come to your mind right now?

21 A. No, not -- not right now.

22 Q. And I think that you also believed that that
23 footage showed a lot of the airplane parts; is that
24 accurate?

25 A. It shows some of the airplane parts, yes.

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1 Q. And those people have particular expertise,
2 correct?

3 A. Yes.

4 Q. So you'd agree that people with expertise
5 are needed to evaluate what you believe you see?

6 MR. STUBSON: Objection, form.

7 A. In my case, yes, because I don't have the
8 expertise to satisfy myself that I can prove it
9 scientifically.

10 BY MR. MASTERSON:

11 Q. Have you been on other undersea expeditions,
12 Mr. Mellon?

13 A. Two days in a nuclear submarine, that's
14 about all I can claim.

15 Q. Have you ever been on any undersea
16 archaeological expeditions similar to these?

17 A. No.

18 Q. You'd agree that that takes a little bit of
19 experience and expertise to run, correct?

20 A. Yes. That's why I had confidence that
21 TIGHAR was able to find this airplane. They told me
22 they wanted to find the airplane.

23 Q. Sure. Someone off the street couldn't do
24 this, correct?

25 A. The U.S. Navy could do it.

1 Q. Okay. So --

2 A. Just you saying that, it doesn't account
3 with me.

4 Q. Okay. Then why don't you tell me again,
5 what's the first piece of false information that
6 TIGHAR and Mr. Gillespie gave you?

7 A. That's what I thought.

8 It was false information not to declare that
9 they found the airplane, because they had all the
10 information to show that it was found, before I made
11 the contribution.

12 Q. And you believe that's false because you
13 believe that footage shows pieces of the plane.

14 A. Yes.

15 Q. What do you feel they should have done?

16 A. I don't know what their objectives are, so I
17 can't answer that. You'll have to ask them. They
18 did what they did. I don't -- I have no idea what
19 caused them to do it.

20 Q. Well, you know their objective is to
21 conclusively discover what happened to Mr. Noonan and
22 Ms. Earhart, you understand that, correct?

23 MR. STUBSON: Objection as to form, leading.

24 A. I've come to believe that the motivation is
25 to keep the search going.

1 A. Announced that they found the Electra
2 aircraft.

3 Q. And what else?

4 A. They may have had some desire to recover
5 portions of it. If, in fact, there was evidence of
6 showing human remains as part of this debris field,
7 then in my opinion they should not have tried to
8 recover any of it.

9 Q. And I've seen your screen grabs where you
10 point out the remains of Mr. Noonan and Ms. Earhart,
11 correct?

12 A. What I thought were at the time, yes.

13 Q. Okay. Do you still believe those are there?

14 A. I believe parts of them are there, yes.

15 Q. Okay. So the screen grabs that I saw of
16 Mr. Noonan and Ms. Earhart annotated significant
17 portions of both of their skeletons. Do you remember
18 those original ones?

19 A. Yes.

20 Q. But that -- your opinion of that has
21 changed?

22 A. That's because I've seen higher definition.

23 Q. And so what do you think is there now?

24 A. I think her head is still there in a
25 cellophane bag.

1 Q. And what about Mr. Noonan?

2 A. I think his head is still there, too, with
3 earphones on.

4 Q. And is there a cellophane bag on his head?

5 A. Yes.

6 Q. And is there still that nitrogen bottle down
7 there?

8 A. I believe so.

9 Q. And a tube running into those cellophane
10 bags?

11 A. I believe so.

12 Q. And so you're -- you believe that they
13 committed suicide?

14 A. Yes.

15 Q. And do you believe there are other portions
16 of their skulls still -- or their skeletons still
17 down there?

18 A. I don't know. I thought so at first; but
19 upon reviewing the higher definition, I can't make
20 anything out specifically.

21 Q. And as far as analyzing underwater video for
22 airplane wreckage, is it fair to say you're
23 self-taught, Mr. Mellon; is that correct?

24 A. Is that a question?

25 Q. Yes.

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1 A. I didn't understand the question.

2 Q. All right. As far as being able to identify
3 airplane wreckage underwater, you are self-taught,
4 correct?

5 A. Self-taught?

6 Q. Yes.

7 A. Yes.

8 Q. Do you feel that as far as being negligent,
9 both TIGHAR and Mr. Gillespie are equally negligent?

10 A. Yes.

11 Q. Who else do you feel was negligent?

12 A. The board of directors.

13 Q. Who else?

14 A. I believe as far as responsibility, it would
15 stop there.

16 Q. And your fraud allegation, that goes to they
17 knew the plane was there, they knew that the 2010
18 video showed it, and they chose to lie, correct?

19 A. What do you mean, correct?

20 Q. Is that a correct statement? Your theory is
21 that they lied about what's in the 2010 video,
22 correct?

23 A. That they failed to disclose that the
24 aircraft was shown in the 2010 video, yes.

25 Q. And when did you decide that was the case?

1 Q. That answer continues, and the last
2 sentence, the beginning part, is: TIGHAR failed to
3 utilize methods common in the salvage industry.

4 Can you tell me what some common methods
5 used in the salvage industry might be?

6 A. Well, not being an expert in the salvage
7 industry, I probably cannot tell you.

8 Q. Obviously, somebody who is in the industry
9 could, though, correct?

10 A. Pardon?

11 Q. Someone who's in the industry probably
12 could?

13 A. Yes, sir.

14 Q. Interrogatory number 16 talks about your
15 contact with the government of Kiribati. I saw a
16 letter that you had sent to that government about the
17 human remains.

18 A. Yes.

19 Q. Did you ever get a response back from them?

20 A. No.

21 Q. Did you ever write them again or follow up
22 in any way?

23 A. No.

24 (Pause in proceedings.)

25 BY MR. MASTERSON:

1 You deny that, and then you say: Before
2 making the donation TIGHAR provided a DVD of a
3 Discovery Channel show, et cetera, et cetera.

4 We know TIGHAR provided you with a DVD and
5 all those materials, but the question was whether you
6 asked to see any of those things. So can you clarify
7 for me, did you ask to see them or did Mr. Gillespie
8 simply send them to you?

9 A. I think I probably asked for -- to see the
10 information on the radio messages, how to get to
11 them, because I didn't know. I didn't have any idea
12 how to navigate any forum, let alone that forum, at
13 that time.

14 Q. Okay. My question is, did you ask for
15 materials from TIGHAR or did Mr. Gillespie just send
16 them to you?

17 A. I think he -- I think he just sent them to
18 me.

19 Q. Okay.

20 A. But I may have asked for other materials, I
21 don't remember.

22 Q. Question 14: Admit that you have no
23 conclusive, physical proof that actual Earhart
24 artifacts are underwater near Nikumaroro.

25 And your response was denied, you have film

1 of underwater artifacts.

2 Is there anything else you have other than
3 the film?

4 A. The picture from Mr. Cook.

5 (Pause in proceedings.)

6 A. That would be it.

7 BY MR. MASTERSON:

8 Q. I'm sorry?

9 A. I think that would be it.

10 Q. And do you consider that photographic
11 evidence to be conclusive?

12 A. I don't know. It hasn't -- it hasn't been
13 evaluated carefully by anyone I know, except
14 Mr. Glickman did evaluate it.

15 MR. STUBSON: And just to clarify, are you
16 just talking about the Cook photo in that question?

17 MR. MASTERSON: No.

18 MR. STUBSON: You're talking about the
19 underwater footage or the photo?

20 BY MR. MASTERSON:

21 Q. Great point. Let me split it up.

22 The underwater footage, would you consider
23 that footage to be conclusive evidence?

24 A. Yes.

25 Q. The Cook photograph, would you consider that

1 to be conclusive evidence?

2 A. Not yet.

3 Q. And so the 2010 video footage leaves no
4 doubt in your mind?

5 A. None.

6 Q. Which would mean, then, that you don't feel
7 any need to go back again and try to recover
8 anything? It's a dead horse, as far as you're
9 concerned?

10 MR. STUBSON: Object as to form.

11 A. Yeah, you'll have to restate that.

12 BY MR. MASTERSON:

13 Q. Well, I think you probably already answered
14 it.

15 Take a look at request 27. It on page 9.

16 (Pause in proceedings.)

17 A. (Nodding head.)

18 BY MR. MASTERSON:

19 Q. That question is: Admit that you have no
20 documents, writings, or communication that TIGHAR hid
21 any findings from any expedition it, meaning TIGHAR,
22 has conducted.

23 . And you have denied -- qualified denial.
24 Defendants hid photos from Dr. Cook of underwater
25 features that they had acquired.

1 you still believe that those are reflected in the
2 2010 video footage, all right?

3 A. Which one?

4 Q. Well, I'm going to go through them.

5 A. Which 2010 video? There were three videos
6 we're talking about.

7 Q. Any of the -- the eight-minute-and-thirty-
8 three-second video that you base your Complaint on?

9 A. Well, it's also based on the high
10 definition, the XHDEF that's --

11 Q. Okay. Well, let's do this. I'll ask you if
12 you still see any of those things in any of the 2010
13 footage, okay?

14 A. Okay.

15 Q. But let me start with this: These two lists
16 that you posted, as of when you posted them these
17 reflect things you believe you saw on those videos.

18 A. On the -- what Mr. Gillespie calls the half
19 resolution, which is really a quarter resolution,
20 because you have half of two axes.

21 Q. Okay.

22 A. So there's a quarter of the number of pixels
23 on what he has posted compared to what I've been able
24 to look at later, which is much more accurate.

25 Q. Fine. But as of the date of these posts,

1 this is things you thought you saw.

2 A. Yes.

3 Q. Okay. So starting with -- underneath
4 Eyebrow Panel on Exhibit 10, do you still see a
5 direction finding control apparatus?

6 A. Yes.

7 Q. Do your experts?

8 A. Pardon?

9 Q. Do your experts?

10 A. I don't think they were asked to look at
11 specific instruments.

12 Q. How about the left and right thermocouple
13 switches?

14 A. I don't know. I'd have to look at the
15 pictures again. And I'd have to look at them in the
16 high definition. But when I -- at this point I did
17 see them. I saw them then, because I put it down.

18 Q. Do you recall if you still see them?

19 A. I haven't looked for them.

20 Q. Left and right manifold pressure gauges.

21 A. Yes.

22 Q. Do you still see those?

23 A. Yes.

24 Q. Did your experts?

25 A. They weren't asked to look for those.

1 Q. The left tachometer?

2 A. Tachometer, no.

3 Q. And you mean no, you don't see it or --

4 A. I have not seen it --

5 Q. Okay.

6 A. -- recently.

7 Q. Have you looked for it recently?

8 A. No.

9 Q. Bank and turn indicator?

10 A. I don't think so.

11 Q. You don't think you've looked for it lately?

12 A. I know I haven't looked for it, no, looked

13 for any of these things since these were posted.

14 Q. Okay. Well, that's -- that's -- why don't

15 you then look -- in that case, why don't you look

16 through this and tell me if you've looked for any of

17 those things --

18 A. Okay. The autopilot, definitely.

19 Q. Okay. And did you see it?

20 A. Yes.

21 Q. Did your experts?

22 A. They -- you know, they weren't asked to

23 study any of these things.

24 Q. I understand.

25 A. So the answer -- don't keep asking the

1 question, because I have not asked for that, so --

2 Q. Well, I --

3 A. For all of it, they weren't asked for that.

4 I will --

5 Q. Okay.

6 A. I will tell you if and when they looked at
7 one of these things that are on this list.

8 Q. Okay.

9 A. Number 25, a selector switch for wing tank
10 gauge.

11 Q. Is it still there?

12 A. Yes.

13 The ignition switches, the throttle, and
14 mixture level -- levers.

15 Q. I'm sorry, what was the last one?

16 A. There's three sets of levers, not two.
17 There's throttle -- there's -- on the left there are
18 two that control the pitch of the propeller; in the
19 middle there are two that are throttles; and on the
20 right there are two mixture controls which controls
21 the flow of fuel to the engines, the quantity of
22 fuel. So there are six levers that are in a --
23 grouped together so you use one hand to operate all
24 of them without having to move.

25 Q. Uh-huh.

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1 A. So those are evident.

2 Q. Okay.

3 A. Let's see, the pilot's seat cushion,
4 definitely.

5 And the cover to the fueling port.

6 Q. Okay. And that's -- now you're going to
7 Exhibit 11 next?

8 A. Yes.

9 Q. Okay.

10 A. I definitely don't see the 0 zero and 2
11 anymore.

12 The headset and wire seen as a squiggle, and
13 they did study that and I think that may be in the
14 report.

15 Q. Do you still see those things?

16 A. Yes.

17 The HF antenna cable and isolators.

18 Engine and propeller, but not where John
19 Balderston says they are.

20 Tailwheel and tailcone.

21 Number 10, top of fuel tank with filler
22 pipe. You can actually see three of those.

23 Number 11, landing gear assembly, but the
24 fender is not upside down.

25 Number 12, numerous pieces of sheet metal.

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1 Number 14, HF transmitter tubes.

2 Number 15, fuselage fuel tank selector.

3 Number 17, pelorus.

4 Number 18, octant.

5 Number 19, Fred Noonan's head, at least.

6 Number 20, the pilot's head, at least.

7 Number 22, fuselage fuel tank.

8 Number 24, a key.

9 Number 27, five sacks of spare parts and
10 bottles.

11 Number 29, but not where -- where it was
12 here. I -- that was not the second landing gear, but
13 it was very close by that. That would be the second
14 main landing gear.

15 Number 32, Kodak Duo Six-20 camera.

16 Number 33, Bausch & Lomb field glasses.

17 And the others are all iffy.

18 Oh, and just let me review for you the --
19 number 8, tailwheel and tailcone, is in the expert's
20 report.

21 Number 11, landing gear assembly is in the
22 expert's report.

23 Well, the expert's report speaks for itself.

24 Q. We've talked a couple times about did the
25 expert see those things, and you indicated that you

1 those, or anybody, to determine anything else about
2 those?

3 A. No, but Professor Forrester opined that they
4 were not anything but natural formations, due to the
5 depth.

6 Q. And did --

7 A. He didn't identify what he thought they
8 were, he just said he didn't think they were stamps.

9 Q. Do you still think they're stamps and
10 letters?

11 A. I do. Because of their orientation to each
12 other, yes.

13 Q. In that email you note that: I hope you
14 will pass this along to Jeff Glickman.

15 If Jeff Glickman is not qualified, why did
16 you want it passed along to him?

17 A. Well, because Ric had stated in his
18 shut-down message that nothing was going to be
19 allowed further view until Jeff Glickman could agree
20 that he saw something.

21 (Pause in proceedings.)

22 BY MR. MASTERSON:

23 Q. Do you agree with your experts' reports?

24 A. Yes.

25 Q. To your knowledge, have those reports been

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1 A. Yes.

2 Q. -- it's March 6. Third paragraph down you
3 state: As you have undoubtedly noticed, Ric
4 Gillespie has announced his intentions to conduct
5 another expedition in the summer of 2014. I don't
6 think our timing could be much better -- excuse me, I
7 don't think our timing here could be much better.

8 What are you referring to?

9 A. The hope that identifying the airplane would
10 preclude the need for another expedition.

11 Q. Why would you want to preclude another
12 expedition?

13 A. Because they're expensive and unnecessary if
14 we've already found the airplane.

15 Q. That's TIGHAR's call, though, correct?

16 A. You asked me what I thought, not what TIGHAR
17 thought.

18 Q. So you made that statement about the timing
19 hoping it would avoid another expedition?

20 A. Hoping that it would result in the
21 identification of the aircraft.

22 Q. And you're not referring to litigation in
23 that?

24 A. No, just moving the process along.

25 Q. So what was the goal with the expert report?

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1 A. I hope to cure Mr. Gillespie's blindness,
2 professed blindness.

3 Q. And what else?

4 A. I hope everyone will come to the conclusion
5 that the Earhart Electra is at that place, it's been
6 there for 76 years, and move on to the next effort.

7 Q. And obviously, you feel a lawsuit is the way
8 to do that?

9 A. It seemed to be the only remaining avenue.

10 Q. You felt you had exhausted all of your other
11 avenues?

12 A. Yes.

13 Q. Yes?

14 A. Yes.

15 MR. MASTERSON: Tim Stubson, a request to
16 you would be to try to find out the name of the
17 gentleman in South Carolina.

18 MR. MELLON: I don't have a record of that.

19 BY MR. MASTERSON:

20 Q. Is he with a university, anything like that?

21 A. I think he was -- he was a self-employed
22 professional, you know? I don't think he was
23 associated with a company.

24 Q. Like a salvage company, or something like
25 that?